

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 3909 - HB 3784**

February 19, 2010

**SUMMARY OF BILL:** Authorizes the internal affairs director or internal affairs special agent of the Department of Correction (DOC) to seize and remove property in accordance with law where the disposition of a conveyance or proceed of goods benefits DOC. Requires that all fines and forfeiture of appearance bonds reside in a special revenue fund. Authorizes the Commissioner to approve a special budget for the fund where expenditures are subject to the availability of funds. Authorizes DOC to conduct seizures without process if incident to an arrest or search under a search warrant or an inspection under an administrative warrant, if the property subject to seizure has been the subject of a prior judgment in favor of DOC, if probable cause exists that the property is directly or indirectly dangerous to health or safety, or if the property was used in violation of the Tennessee Drug Control Act. Property seized is not subject to legal challenge and is the custody of the DOC. Authorizes DOC to sell seized property and utilize the proceeds for a drug enforcement program. Authorizes DOC to seize contraband.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue - \$44,000**

**Increase State Expenditures - \$44,000**

Assumption:

- According to DOC, there will be one property seizure per quarter per institution. The revenue generated from each seizure is estimated to be \$1,000. There are 11 facilities managed by DOC resulting in a recurring increase to state revenues of \$44,000 (4 x 11 x \$1,000 = \$44,000)
- DOC will establish a drug enforcement program resulting in expenditures not to exceed revenue collected from forfeitures.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White".

James W. White, Executive Director

/agl

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